

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated February 23, 2006 is pending in the application.

The Objections to the Drawings

The Office action objected to the drawings because it asserted that the feature of “a downwardly extending structural support” was not shown in the drawings. Although applicant respectfully disagrees, and feels that paragraph 34 clearly describes a structure that is shown in the drawings, the claims have been amended to remove this feature, and thus the objection should be withdrawn.

The Objection to Claim 18

Claim 18 has been cancelled and thus the objection to the claim should be withdrawn.

The Section 112 Objection to the Specification

Applicant submits that the amendments to the claims have removed the objections to the specification set forth in paragraph 3 and 4 of the Office action. Likewise, the rejection of Claims 1-20 in paragraph 5 should be withdrawn.

The Section 112 Rejections in Paragraph 6 and 7 of the Office Action

The new claims do not include the objectionable language in the rejections of claims 1-20, set forth in paragraph 6 and 7 of the Office action. Applicant therefore submits that the rejection should be withdrawn.

The Rejections of the Claims Based Upon Prior Art

Each of the claims was rejected as being anticipated by U.S. Patent No. 5,732,726 to Lee, or as being obvious in view of a combination of *Lee* and U.S. Patent No. 6,418,946 to Lin et al. These rejections are respectfully traversed.

Claim 21, the only remaining independent claim in the application, is directed to a shelter having, *inter alia*, a pole assembly that includes a first upright pole attached to the hub by a first connection. The first upright pole includes a first upper pole segment and a first lower pole segment, with the lower pole segment extending more vertically than the upper pole segment. The first connection is nonrotatable so that the upright pole does not substantially rotate relative to the hub. This feature is not shown by *Lee* or *Lin*.

Lee is directed to a cabin tent pole system and includes a central hub 20, but does not include a connection as set forth in claim 21. That is, the reference does not include a connection that is nonrotatable so that an upright pole does not substantially rotate relative to the hub. *Lee* includes an upright pole that meet the description in claim 1, but the upright pole is not connected to the hub as is set forth in claim 21. That is, so that the first upright pole does not substantially rotate relative to the hub. Instead, rotation of the upright pole in *Lee* is prevented by attachment of the poles directly to the cabin tent in that reference. This system of attachment is not the same as providing a connection at the hub for the upper pole that prevents such rotation. For at least these reasons, the rejections in view of the cited references should be withdrawn.

For the sake of clarity, the independent claims of the application are discussed in this Amendment. Applicant submits that the independent claims are allowable, and therefore the dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, applicant submits that the dependent claims further define subject matter not shown or made obvious by the prior art.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicant earnestly solicits the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,

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